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|----------------|--|--------------|---------------------------|
| Date: | June 13, 2008 | Total Pages: | 4 (including cover sheet) |
| To: | UNITED STATES PATENT AND TRADEMARK OFFICE | | |
| Attn: | Examiner Christopher RoDee | | |
| Facsimile No.: | 571-273-1388 | | |
| From: | Richard M. Klein | | |
| Re: | U.S. Patent Application Serial No. 10/775,986 Xerox Reference: A3066-US-NP Our Reference: XERZ 2 01211 | | |

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COMMENTS

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Patent
Atty. Dkt. No. A3066-US-NP
XERZ 2 01211

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|--|-----------------------|----------------------|
| AMENDMENT AFTER FINAL | Title: | IMAGING MEMBER |
| | First Named Inventor: | John F. Yanus |
| | Application No.: | 10/775,986 |
| | Filing Date: | February 10, 2004 |
| | Confirmation No. | 1319 |
| | Examiner: | Christopher D. RoDee |
| Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 | Art Unit: | 1795 |
| | Last Office Action: | April 7, 2008 |

Dear Sir:

Responsive to the Final Office Action mailed April 7, 2008, please amend the above-identified application as follows.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being transmitted to the USPTO by electronic transmission via the EFS Web on the date indicated below.

June 13, 2008

Date

Name: Lynda S. Kalemba

REMARKS

In telephone discussions on June 11-13, 2008, between the Examiner and Applicants' Representative Richard M. Klein, the Examiner noted U.S. Patent No. 6,933,089 and its potential application in a rejection under 35 U.S.C. 103(a).

It appears the U.S. Patent No. 6,933,089 is only available under 35 U.S.C. 102(e) because it was not patented or published prior to the instant filing date and was not published more than one year prior to the instant filing date. Applicants take this opportunity to make the following statement.

U.S. Patent Application Serial No. 10/775,986 and U.S. Patent No. 6,933,089, were, at the time the invention of Serial No. 10/775,986 was made, subject to an obligation of assignment to the same entity, Xerox Corporation.

This statement removes U.S. Patent No. 6,933,089 from being available as a reference in a 103(a) rejection under 35 U.S.C. 103(c).

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CONCLUSION

For the reasons detailed above, it is submitted all remaining claims (Claims 1, 6-16, 18, 20-27, 30-31, and 36) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

☒ Remaining Claims, as delineated below:

| (1) FOR | (2) CLAIMS REMAINING AFTER AMENDMENT LESS HIGHEST NUMBER PREVIOUSLY PAID FOR | | (3) NUMBER EXTRA |
|-----------------------|---|--------|------------------|
| TOTAL CLAIMS | 24 | - 34 = | 0 |
| INDEPENDENT CLAIMS | 3 | - 3 = | 0 |

☒ This is an authorization under 37 CFR 1.136(a)(3) to treat any concurrent or future reply, requiring a petition for extension of time, as incorporating a petition for the appropriate extension of time.

☒ The Commissioner is hereby authorized to charge any filing or prosecution fees which may be required, under 37 CFR 1.16, 1.17, and 1.21 (but not 1.18), or to credit any overpayment, to Deposit Account 24-0037.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Richard M. Klein, at Telephone Number (216) 861-5582.

Respectfully submitted,

FAY SHARPE LLP

June 13, 2008
Date

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